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THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

BEMO USA CORPORATION, et al.

Plaintiffs,

vs.

JAKE'S CRANE, RIGGING & TRANSPORT  
INTERNATIONAL, INC., et al.,

Defendants.

Case No.: 2:08-cv-00745-JCM-PAL

ORDER AND ENTRY OF SUMMARY  
JUDGMENT

ORDER

THIS MATTER came on for hearing on June 29, 2010 on the Motion for Summary Judgment of the Plaintiffs Bemo USA Corporation ("Bemo") and Kovach, Inc. ("Plaintiffs") seeking summary judgment for damages in the amount of \$2,996,661.00 against the Defendant Jakes Crane, Rigging & Transport International, Inc. ("Jakes"). The Court received and reviewed the following:

1. MOTION for Summary Judgment by Plaintiffs Bemo USA Corporation, Kovach, Inc. [Document No. 33];
2. MEMORANDUM filed by Plaintiffs Bemo USA Corporation, Kovach, Inc. re: MOTION for Summary Judgment [Document No. 34];
3. APPENDIX to MOTION for Summary Judgment, Memorandum ; filed by Plaintiffs Bemo USA Corporation, Kovach, Inc., Attachments: # 1 Exhibit 1, # 2 Exhibit 2 - part 1 of 2, # 3 Exhibit 2 - part 2 of 2, # 4 Exhibit 3, # 5 Exhibit 4) [Document No. 35];
4. RESPONSE to MOTION for Summary Judgment, filed by Defendant Jake's Crane, Rigging & Transport International, Inc.. and Countermotion for Summary Judgment [ Document No. 40];

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5. REPLY to Response to MOTION for Summary Judgment and response to Counter-motion for Summary Judgment filed by Plaintiffs Bemo USA Corporation, Kovach, Inc. [Document No. 41]; and

6. REPLY to Response to Opposition to Counter-motion for Summary Judgment, filed by Defendant Jake's Crane, Rigging & Transport International, Inc. [Document No. 42].

The Court also heard oral argument of counsel, Eric B. Zimbelman and Dale Weigand for Plaintiffs and Norman Kirshman and Richard Dreitzer for Defendant. Based on the foregoing, the Court finds as follows:

1. The Parties stipulated that Defendant Jake's Crane, Rigging & Transport International, Inc. was responsible for and legally liable to Plaintiffs for the incident that occurred on or about September 7, 2005 that is the subject of Plaintiff's Complaint, leaving for trial only the issues of the cause and amount of Plaintiff's damages [Document No. 27];
2. During oral argument, Mr. Kirshman withdrew Defendant's Counter-motion for Summary Judgment; and
3. There are no genuine issues of material fact in dispute regarding the cause and amount of Plaintiff's damages, which are \$2,996,661.00.

NOW THEREFORE, the Court hereby **Orders** as follows

1. Plaintiff's Motion for Summary Judgment is GRANTED; and
2. Judgment is hereby entered for Plaintiffs Bemo USA Corporation and Kovach, Inc. and against Defendant Jake's Crane, Rigging & Transport International, Inc. in the amount of **\$2,996,661.00**.
3. Post-judgment interest shall accrue at the highest rate allowed by Nevada law.

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1 IT IS SO ORDERED:

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3 DATED: July 9, 2010

  
UNITED STATES DISTRICT JUDGE

4 Submitted by:

5 PEEL BRIMLEY, LLP

6  
7 By: /s/

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11 and

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